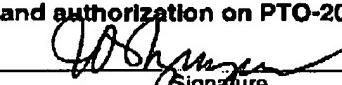


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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 42390P11775											
<p>I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.</p> <p style="text-align: center;">October 13, 2005</p> <p>Signature  Typed or printed name <u>Tu T. Nguyen</u></p>		<p>In re Application of Richard Qian</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td style="width: 50%;">Filed</td> </tr> <tr> <td>09/965,224</td> <td>09/27/2001</td> </tr> <tr> <td colspan="2" style="text-align: center;">For PERSONALIZED CONTENT DELIVERY AND</td> </tr> <tr> <td style="width: 50%;">Art Unit</td> <td style="width: 50%;">Examiner</td> </tr> <tr> <td>2161</td> <td>Etienne Pierre Leroux</td> </tr> </table>		Application Number	Filed	09/965,224	09/27/2001	For PERSONALIZED CONTENT DELIVERY AND		Art Unit	Examiner	2161	Etienne Pierre Leroux
Application Number	Filed												
09/965,224	09/27/2001												
For PERSONALIZED CONTENT DELIVERY AND													
Art Unit	Examiner												
2161	Etienne Pierre Leroux												
<p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p>													
<p>The fee for this Notice of Appeal is (37 CFR 1.17(b)) <u>\$500.00</u></p>													
<p><input type="checkbox"/> Applicant claims small entity status under 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: _____</p>													
<p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p>													
<p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p>													
<p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of the fee transmittal.</p>													
<p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>02-2668</u>. I have enclosed a duplicate copy of the fee transmittal.</p>													
<p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p>													
<p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2039.</p>													
<p>I am the  <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. <small>See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</small> <input checked="" type="checkbox"/> attorney or agent of record. <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a). <small>Registration number if acting under 37 CFR 1.34(a)</small> _____</p>													
<p><u>Thinh V. Nguyen, Reg. No. 42,034</u> <small>Typed or printed name</small></p>													
<p style="text-align: right;"><u>10/13/05</u> <small>Date</small></p>													
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>													
<p><input type="checkbox"/> Total of _____ forms are submitted.</p>													

Based on PTO/SB/31 (08-03) as modified by Blakely, Sokoloff, Taylor & Zehnman (wir) 09/11/2003
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10/14/2005 HDEMESS1 00000013 022666 09965224

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FEE TRANSMITTAL for FY 2005		<i>Complete if Known</i>	
Patent fees are subject to annual revision			
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Application Number	09/965,224
		Filing Date	September 27, 2001
		First Named Inventor	Richard Qian
		Examiner Name	Etienne Pierre Leroux
TOTAL AMOUNT OF PAYMENT		(\$)	500.00
		Art Unit	2161
		Attorney Docket No.	42390P11775

METHOD OF PAYMENT (check all that apply)

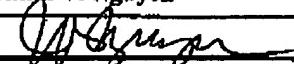
Check Credit card Money Order None Other (please identify): _____
 Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

- Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayment of fee(s) Credit any overpayments
 under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

FEES CALCULATION

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code		
Fee (\$)	Fee (\$)		
1051	130	2051 65 Surcharge - late filing fee or oath	
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053 130 Non-English specification	
1251	120	2251 60 Extension for reply within first month	
1252	450	2252 225 Extension for reply within second month	
1253	1,020	2253 510 Extension for reply within third month	
1254	1,590	2254 795 Extension for reply within fourth month	
1255	2,160	2255 1,080 Extension for reply within fifth month	
1401	500	2401 250 Notice of Appeal	
1402	500	2402 250 Filing a brief in support of an appeal	
1403	1,000	2403 500 Request for oral hearing	
1451	1,510	2451 1,510 Petition to institute a public use proceeding	
1460	130	2460 130 Petitions to the Commissioner	
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
1806	180	1806 180 Submission of Information Disclosure Stmt	
1809	790	1809 395 Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810 395 For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____			500.00
SUBTOTAL (2) (\$)			500.00

SUBMITTED BY					
Name (Print/Type)	Thinh V. Nguyen		Registration No. (Attorney/Agent)	42,034	Telephone (714) 557-3800
Signature			Date	10/13/05	

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wfr) 12/16/2004
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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TELEPHONE: (714) 557-3800

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12400 WILSHIRE BOULEVARD, 7TH FLOOR
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Deliver to: Etienne Pierre Leroux, USPTO

Art Group: 2161

Facsimile No.: 703-872-9306

Date: October 13, 2005

From: Thinh V. Nguyen, Reg. No. 42,034

Our Docket No.: 42390P11775

Number of pages 5 including this sheet.

Application No.: 09/965,224

Filing Date: 9/27/2001

Docket Due Date(s): 10/14/2005

Enclosed are the following documents:

- Amendment: _____ (____ pgs)
- Appeal Brief (____ pgs)
- Application: _____
(____ pgs) w/cover & abstract)
- Assignment & Cover Sheet (____ pgs)
- Certificate of Facsimile
- Continued Prosecution Application (CPA)
- Declaration & POA (____ pgs)
- Drawings: ____ sheets, ____ figures
- Extension of Time: _____
- Fee Transmittal (in duplicate)
- IDS & PTO/SB/08 (____ pgs)
- Other _____

- Issue Fee Transmittal
- Notice of Appeal
- Petition for:
- Request for Continued Examination (RCE)
- Reply Brief (____ pgs)
- Request & Certification Under 35 USC 122(b)(2)(B)(i)
- Request to Rescind Previous Nonpublication Request
- Response to Notice of Missing Parts & Formalities Letter
- Response to Written Opinion (____ pgs)
- Terminal Disclaimer
- Transmittal of Publication Fee Due
- Transmittal Letter

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

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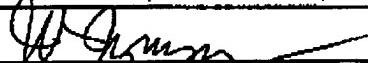
(to be used for all correspondence after initial filing)

		Application No.	09/965,224
		Filing Date	September 27, 2001
		First Named Inventor	Richard Qian
		Art Unit	2161
Total Number of Pages in This Submission	4	Examiner Name	Etienne Pierre Leroux
		Attorney Docket Number	42390P11775

ENCLOSURES (check all that apply)

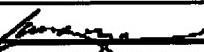
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Alter Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<input type="checkbox"/>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> PTO/SB/08		
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Basic Filing Fee		
<input type="checkbox"/> Declaration/POA		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Thinh V. Nguyen, Reg. No. 42,034 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP	
Signature		
Date	October 13, 2005	

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